

ORIGINAL

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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MAY 29 1997

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Federal Communications Commission  
Office of Secretary

In re Applications of )  
)  
Martin W. Hoffman, Trustee-in-Bankruptcy ) MM Docket No. 97-128  
for Astroline Communications Company )  
Limited Partnership )  
)  
For Renewal of License of ) File No. BRCT-881292KF  
Station WHCT-TV, Hartford, Connecticut )  
)  
and )  
)  
Shurberg Broadcasting of Hartford )  
)  
For Construction Permit for a New ) File No. BPCT-831202KF  
Television Station to Operate on )  
Channel 8, Hartford, Connecticut )

To: The Honorable John M. Frysiak  
Administrative Law Judge

**PETITION FOR LEAVE TO INTERVENE  
AS A MATTER OF RIGHT**

Richard P. Ramirez (Mr. "Ramirez") by his attorney and pursuant to Section 1.223(a) of the Commission's rules, hereby petitions for leave to intervene as a party as a matter of right in the above-referenced proceeding.

**I. Timeliness of the Petition**

1. The petition is timely filed under the Commission's rules. Section 1.223 provides that petitions for leave to intervene must be filed within 30 days after the publication of the hearing issues in the Federal Register. As of May 28, 1997, Federal Register publication had not occurred and, accordingly, this petition is timely. Moreover, the prehearing conference in this

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proceeding is scheduled for June 2, 1997 and the filing of the petition at this time gives all existing parties to the proceeding ample notice of Mr. Ramirez's interest.

## **II. Mr. Ramirez Qualifies As A Party In Interest**

2. The Commission has set for hearing the license renewal application of Station WHCT-TV, Hartford, Connecticut which is licensed to Martin W. Hoffman, Trustee-in-Bankruptcy for Astroline Communications Company Limited Partnership ("Astroline"). Mr. Ramirez was a General Partner of Astroline, a company which has since been dissolved. Issues have been designated as to "whether Astroline misrepresented facts to the Commission and the Federal Courts, in connection with statements it made concerning its status as a minority-controlled entity." The burden of proceeding with the introduction of evidence and the ultimate burden of proof on these issues has been placed on the former Astroline and the Trustee-in-Bankruptcy.

3. Given the issues involved and the assignment of burdens, it is clear that Mr. Ramirez should be permitted leave to intervene as a party to defend the allegations against himself and the former Astroline. Indeed, the issues have been added based on allegations made by Shurberg Broadcasting of Hartford ("Shurberg") that relate directly to Mr. Ramirez, and he is mentioned prominently in connection with these issues in the Hearing Designation Order, FCC97-146, released April 28, 1997. (See e.g. paras. 3 and 5).

4. Mr. Ramirez has a particularized interest in the outcome of this proceeding since his reputation is at stake. Moreover, his interest is not adequately protected by the other parties. Furthermore, Mr. Ramirez's participation will assist the Commission in resolving the issues in question.

5. Commission case precedent firmly supports granting Mr. Ramirez leave to intervene. Palmetto Communications Co., 69 RR2d 1316 (Rev. Bd. 1991); Quality Broadcasting Corp., 4 RR2d 865 (1965). In Palmetto, Robert C. Rickenbacker, who had withdrawn as a 50% general partner in AM applicant Palmetto Communications Co., was permitted to intervene in a comparative hearing, where he had been accused of making false representations to the Commission concerning Palmetto's ownership structure and basic qualifying issues had been added. In granting Mr. Rickenbacker's petition to intervene, the Commission's Review Board explicitly recognized that "the evidence adduced in the remand hearing might well reflect adversely on Rickenbacker himself." In Quality, *supra*, the Commission permitted late and separate intervention by a minority stockholder of an applicant to submit "direct, positive evidence" to "refute the erroneous testimony against him" that might affect "his future ability to earn a livelihood in the broadcast industry." See also West Jersey Broadcasting Co., 89 FCC 2d 469, 471-72 (1980).

6. Here, Mr. Ramirez's interest is even more compelling than in the cases cited above. He was a general partner of Astroline and the actions of both Mr. Ramirez and Astroline are directly at issue in the designated issues. Mr. Ramirez must be permitted to submit direct evidence addressing the designated issues to defend his honor in the broadcast industry. Attached hereto is a Declaration of Mr. Ramirez setting forth his interest in the proceeding in compliance with Section 1.223.

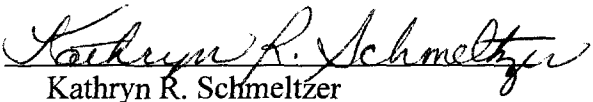
**III. Conclusion**

In sum, for reasons set forth above, this petition should be granted and Mr. Ramirez should be permitted leave to intervene in this proceeding as a matter of right.

Respectfully submitted,

RICHARD P. RAMIREZ

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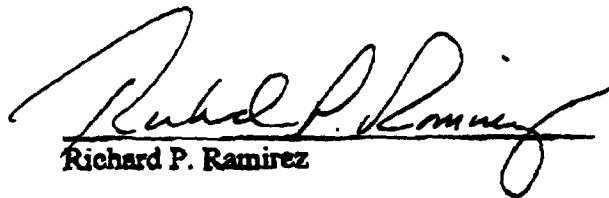
Dated: May 29, 1997

### **DECLARATION**

I, Richard P. Ramirez, hereby declare under penalty of perjury as follows:

1. I was a General Partner of Astroline Communications Company Limited Partnership ("Astroline"), a company which has now been dissolved.
2. On April 28, 1997, the Commission released a "Memorandum Opinion and Order and Hearing Designation Order" in which it set for hearing the license renewal application of Martin W. Hoffman, Trustee-in-Bankruptcy for Astroline. The Hearing Designation Order contains issues as to whether Astroline misrepresented facts to the Commission and the Federal Courts, in connection with statements it made concerning its status as a minority-controlled entity. The discussion in the Commission's Order specifically concerns my participation and interest in Astroline.
3. Since the designated issues directly concern my activities, I submit that I qualify as a party in interest and that I should be permitted leave to intervene. I am the only person who can address the allegations raised against me, and my participation is integral to the defense of the issues. Moreover, I will be irreparably injured if I am not granted leave to intervene since my reputation in the broadcast industry may well be affected by the outcome of this proceeding.

Executed this 29<sup>th</sup> day of May 1997.

  
Richard P. Ramirez

**CERTIFICATE OF SERVICE**

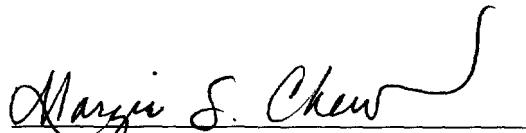
I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **“PETITION FOR LEAVE TO INTERVENE AS A MATTER OF RIGHT”** was sent this 29th day of May, 1997, by first class United States mail, postage prepaid, to the following:

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\* VIA HAND-DELIVERY